



July 19, 2001

Division of Oil, Gas and Mining
1594 West North Temple
Suite, 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Attn: Pam Grubaugh-Littig

RE: **Abatement Requirements for NOV NO. N01-7-1-1**

PacifiCorp, by and through its wholly-owned subsidiary Energy West Mining Company ("Energy West") as mine operator hereby reports on the remedial actions taken to abate the Notice of Violation (NOV) received July 9, 2001. An account of events preceding the NOV are discussed below.

Division inspectors Ken Wyatt and Priscilla Burton conducted a complete inspection of the Des Bee Dove mine site on June 26, 2001. Particular areas of interest during their inspection were the fill slopes and tipples pad where coal is presently being excavated by a third party contractor. Spoil material from the outslope of the tipples pad is removed and hauled to the bathhouse pad. At this location, the spoil material is filled against the bathhouse cutslope to eliminate the cut, as much as possible to achieve Approximate Original Contour (AOC).

The fill slope below the Deseret pad is another area where coal excavation has been conducted. Coal was found in this area beneath a thin covering of coal mine refuse commingled with very little native soil. Vegetation on the slopes surrounding the pad was sparse at best. The outslope before excavation commenced was very steep (1.25-1.5:1).

The Des Bee Dove MRP states (Volume 2, pg. 4-13) that the top 18" to 24" will be removed and stored during the backfilling and grading process to be used as a "topsoil" covering for final reclamation. During removal of this covering, no difference was found between the first 24" and the last 24" on either of the slopes. Underground mine rock, coal and non-coal waste was found throughout. Sparse to non-existent vegetation occurred on the slopes though they had been developed for approximately 20 years.

Mr. Wyatt issued an NOV on the afternoon of July 9, 2001 citing that the permittee failed to conduct coal mining and reclamation activities in accordance with the approved MRP. The NOV

Huntington Office:
(435) 687-9821

Fax (435) 687-2695

Purchasing Fax (435) 687-9092

Deer Creek Mine:
(435) 687-2317

Fax (435) 687-2285

Trail Mountain Mine:
(435) 748-2140
Fax (435) 748-5125

*Copy Ken: RAM
separate copy*

noted that the permittee should "cease all further mixing of outslope fill "topsoil" (As referenced in the Des Bee Dove MRP, Page 4-13, approved 9/1/98) with underlying coal and coal waste.

On July 10, 2001, the permittee went to the mine site to inform the contractor not to store any more material on top of the existing pile on the bathhouse pad. The permittee found while at the site, that the contractor had already hauled and dumped material at this location. The permittee instructed the contractor not to haul any more refuse material to the top of the pile, but rather, haul it to the west end of the bathhouse pad. The contractor agreed. Upon a site visit to the mine on July 17, 2001, no other refuse material had been hauled and dumped on top of said pile.

If you have any question or concerns of the remedial actions taken by Energy West or the accounts of this report, please call me at (435) 687-4825 or Chuck Semborski at (435) 687-4720.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Oakley". The signature is fluid and cursive, with the first name "Dennis" and last name "Oakley" clearly distinguishable.

Dennis Oakley
Environmental Engineer

cc: Cari Pollastro (EWMC)
 Chuck Semborski (EWMC)
 Scott Child (IMC)
 Ken Wyatt (DOGM)